

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, October 18, 2011 at 7:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

Supervisor Walter: "-- and we drew her name out of a hat and so she's in charge. So if the board gets out of control, you let them know. You're in charge. You're the supervisor. Okay?

All right. Let's start off with the Pledge of Allegiance to the flag and, Kathryn, could you lead us off? It's over this way, to the right.

(At this time, the Pledge of Allegiance was recited led by Supervisor of the Day Kathryn Motlenski)

Supervisor Walter: "Okay. Thank you. Our next item is we do an invocation and Pastor Rick Saladon is here from Living Waters Church in Aquebogue. Pastor, would you like us to sit, stand? How would you like us?"

Pastor Rick Saladon: "You can all stay seated. Supervisor Walter, thank you. Board members, rest of the town government, thank you for having me. This-- am I on?"

Supervisor Walter: "You're on. It records."

Pastor Rick Saladon: "This is a real big thing for me because I grew up in Riverhead and I can remember being in this room many times to pay a ticket but never to open in prayer. So this is something very special for me.

I'm so proud to be part of the town that still opens its meetings in prayer. How great is that? Anyhow, without any further adieu, let's bow our hearts and heads.

Father, we thank you for this wonderful town. We thank you for this wonderful supervisor you've given us Lord that's been such a true leader. We ask you to bless him, we ask you to bless the board, we ask you to bless this meeting tonight and, Father, we thank you.

You've got good things for Riverhead and, Father, we thank you that your hand is on this town, your hand is on this meeting, and we're expecting great things. And we pray this in Jesus' name. Amen.

God bless you all. Thank you."

Supervisor Walter: "Thank you very much, Pastor Rick. I appreciate that, and he comes from the Living Waters Church in Aquebogue, right where you live.

Okay. So the next order of business is we're going to honor somebody. His name is Ray Pickersgill and this gentleman-- have you been to downtown to some of the things like the fireworks shows and things like that, the car shows? Mom, dad, we've got to get her down to at least the 4th of July fireworks show.

We've had a lot of new affairs and events and festivals and Mr. Pickersgill is working on bringing an ice skating rink to downtown and he's got a whole bunch of different things planned for this year.

Next year I think there's a-- we have a bonfire, not to late for the bonfire. We do the bonfire for Christmas and Santa Claus will be there and he's done a wonderful job of rebuilding-- helping us to rebuild downtown. So we're going to honor him with a proclamation that we're going to go down front and we're going to read and take our picture with him.

Okay. Come on. Kathryn, we're going to go down the front. Okay. As is not my custom-- she does a better job than I do. She's like shining and bright and bubbly and, well, I'm not.

Okay. Ray, I'm going to read this.

It is both fitting and proper that the town board and the residents of the town of Riverhead join many friends, families, and colleagues of Raymond Pickersgill in paying tribute to and honoring this individual who has dedicated himself to make a significant positive contribution to the betterment of our community; and

Whereas, it is further fitting and proper to hold Riverhead Business Improvement District Ray Pickersgill to the highest regard for his passion to enhance our community by assertively promoting the town of Riverhead through countless hours of volunteer-ism through the BID and other community groups and of bringing a positive capital improvement projects to help revitalize downtown Riverhead; and

Whereas, since 2006 Raymond Pickersgill has served as the 1st Legislative District's representative on the Suffolk County Downtown Revitalization Committee, which got us our bathrooms, which recognizes and awards grants throughout the county for our Main Streets; and

Whereas, it is in recognition of his role in spearheading capital improvements projects and his efforts in revitalization of downtown Riverhead, Raymond Pickersgill was honored with the Small Business Recognition Award from the Long Island Business Development Council who has been a moving force behind Long Island's economic development since 1969 helping local businesses expand and create new jobs while attracting new firms to the region; and

Now, Further Be It Let It Known, that Raymond Pickersgill has been fully dedicated to providing confidence to the residents in the businesses of the town of Riverhead and as a consummate enthusiast he always smiles, regardless of endeavor and know that he exemplifies entirely the commitment needed to the town of Riverhead to advance this community beyond the greatest dreams envisioned by the founding families of this great settlement.

There Be It Resolved, that I, Sean Walter, Supervisor of the town of Riverhead, do hereby declare and ask the town board and the

residents of the town of Riverhead to join in sustaining public awareness of this vital member of our community throughout the year and do hereby proclaim this day, Raymond Pickersgill Day in the town of Riverhead.

Do you want to say a few words, Ray?"

Raymond Pickersgill: "Thank you very much."

Councilman Dunleavy: "And he does this all by volunteering. It's not a paid position and he does a lot. If you go down to the parking lot to any affair we have down there and you look around, Ray is going to be there supervising.

So I mean congratulations, Ray. You deserve everything."

Supervisor Walter: "All right. Well, let's pose for a picture."

Councilman Dunleavy: "Have you thought about running for politics?"

Supervisor Walter: "Wait, one more. All right. There you go. All right.

Okay. Do you want to read that?"

Supervisor of the Day Motlenski: "Approval of the minutes of the town board meeting of October 4, 2011."

Councilman Dunleavy: "So moved."

Councilman Gabrielsen: "And seconded."

Supervisor of the Day Motlenski: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay. Ask the town clerk to read the Applications. Just ask the town clerk to read the Applications."

Supervisor of the Day Motlenski: "Application."

Diane Wilhelm: "Sure."

APPLICATIONS:

Special event	East End Rowing - rowing regatta November 13, 2011
Parade	Roanoke Avenue Elementary School costume parade - Oct. 31, 2011

REPORTS:

Tax Receiver	utility collection report - Sept. \$564,870.90
IDA	2012 proposed annual budget
Fire Districts	
Riverhead Fire District	2012 proposed budget
Wading River Fire District	notice of public hearing for the proposed fire district budget - October 18, 2011

CORRESPONDENCE:

1 postcard and 1 e-mail	requesting adoption of a short term moratorium for the Wading River corridor
Irwin Billman	letter expressing opposition to proposed local law amendment to Chapter 58 Dogs (public hearing 10/4/11)
Sue Hansen	letter expressing opposition to proposed local law amendment to Chapter 58 Dogs (public hearing 10/4/11)
Ernie Hoffstaeter, Mastic Beach	letter expressing concern over the proposed local law amendment

to Chapter 58 Dogs (public
hearing 10/4/11)

Thomas Baird,
Wading River

letter expressing concern over
road conditions of Emmetts Lane
Wading River

Diane Wilhelm: "And that's all."

Supervisor Walter: "Okay. We're going to take something
slightly out of order today and we have a resolution that Kathryn
would like to call and I think she is going to read it."

Supervisor of the Day Motlenski: "Authorizes the designation
of a secondary name to Vineyard Way in honor of the Supervisor of
the Day, me, Kathryn Motlenski, to Dumbledore's Army Way.

Whereas, Supervisor of the Day Kathryn Motlenski who lives on
Vineyard Way in Aquebogue is an avid fan of the Harry Potter series;
and

Whereas, it is the desire of Kathryn to designate a secondary
name to her street to Dumbledore's Army Way. Dumbledore, the
epitome of goodness, is a major character in J.K. Rowling's Harry
Potter series. Kathryn's hope is to encourage others to read, to
commemorate Dumbledore's qualities as an example to others and to
memorialize her special day; and

Whereas, the road will continue to be identified as Vineyard
Way for GPS purposes, but will carry a second sign bearing the name
of Dumbledore's Army Way.

Now, Therefore, Be It Resolved, the Riverhead town board hereby
authorizes the designation of a secondary name to Vineyard Way in
Aquebogue as Dumbledore's Army Way, said road to continue to be
identified as Vineyard Way for GPS purposes, but will carry a second
sign bearing the name of Dumbledore's Army Way; and be it further--"

Supervisor Walter: "Okay, well, she's called the resolution.
Can I get a second?"

Councilman Dunleavy: "I second it."

Supervisor Walter: "Moved and seconded. Vote please. She

moved it and John seconded it."

Councilwoman Giglio: "I'll move it. I'll double move it."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "We're talking about the Dumbledore. I've got to say yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution was adopted."

Supervisor Walter: "Okay. So through the magic of George Woodson, our highway superintendent, there it is."

Now I want this to be a lesson to every child out there that, you know, reading is fundamental. If you guys do this reading program at the Riverhead library and you get selected as Supervisor of the Day, guess what Kathryn has led the way to happen? So we are-- we will post this, but if you want to take the sign to school tomorrow to show it to the school if you'd like to do that, that would be fine. Just get the sign back to us and we will have it posted.

And we have a certificate of appreciation for Kathryn. As I said she's from Our Lady of Mercy regional school and she's done a wonderful job and it's unfortunate that one of the things she learned today as the Supervisor of the Day, is that the town supervisor runs around a lot and unfortunately, I apologize, I didn't get much time to spend with her today because we had various appointments and gas main leaks and other things to do.

So part of being a supervisor is always being on your toes. But this right here is really neat and as I said maybe you can encourage some of your other friends and neighbors to join that reading group and get their street named after something.

So I thank you for coming. Do you want to stay for a little longer while we go through a public hearing?"

Supervisor of the Day Kathryn Motlenski: "No."

Supervisor Walter: "All right. It's warm in here. Is it warm in here? Can we get the door opened? Sorry, I think the air

conditioner doesn't work again. Big surprise, guys. We had a power outage and- all right.

Kathryn, thank you very much. And as I said, if you get that back to us, won't your neighbors be surprised?"

Councilman Wooten: "First off, I just want to say that this past Saturday there was a new fund set up in the town called the Riverhead MTAS which is Move the Animal Shelter, and a young woman, Denise Lucas a local woman in our community, headed this whole effort in order to raise awareness in order to raise funds to help offset the cost of possibly building a new shelter in a new location.

It was a great event, over 200 people were there and she raised almost \$8,500 on her own in less than three weeks. And so we appreciate that. And there will be more events happening throughout the year that she'll be coordinating.

The second thing I want to say is my wife's away and my neighbor is watching my child so I'm going to stay for the meeting but if it starts to get too late during the public comment session I may have to excuse myself to go home and tend to her. So don't think I'm being rude. I will certainly read the minutes to see what's said after my departure. But I have to keep an eye on the clock. So I apologize for that."

Supervisor Walter: "Okay. Thank you. Where are we? We've got public hearings. Are there any other committee reports? No. Okay. We have public hearings."

Public hearing opened: 7:17 p.m.

Supervisor Walter: "And the first one is the consideration of a local law amending Chapter 108 of the Riverhead town code entitled Zoning, Article XXVI, site plan review, Section 108-131 application procedure; fees. And that public hearing was scheduled for 7:05; 7:05 having arrived, I'd like to open that.

And, Bob, if you want to just give a quick synopsis of this?"

Robert Kozakiewicz: "Well, this is actually- Bill is here I think."

Supervisor Walter: "Bill, if- no, you can give a quick- it's the second- "

Robert Kozakiewicz: "Well, what we're doing is this is actually a second time this matter is coming on for a public hearing. We've had a public hearing earlier in the year with substantially the same code and the proposal is to add an additional process by which the applicant may submit or meet with the planning department, not with the planning board, at a presubmission conference as a prelude to making a preliminary site plan application.

The critical aspect that changes our site plan or the proposal that's going to be changed by virtue of this site plan amendment would be to allow for a public hearing or call for a public hearing to obtain more public input during the site plan process.

In addition to the preliminary site plan process, there's now an additional final site plan review and approval and the- those provisions which deal with the public hearing as relevant here will be made such that any application- such that they apply only to applications which are received after the effective date of those sections so that they will not apply to site plans that are currently in the hopper."

Supervisor Walter: "Okay, good. Does anybody wish to be heard on this? You are- how are you going, Mr. Danowski?"

Peter Danowski: "Good evening. I did make a few comments the last time this public hearing was heard and I'm mindful of the supervisor's public comments regarding EPCAL where he's gone on record and I sort of support this comment, that we'd look to expedite the review process.

I guess my follow up to that comment is I'd like to see if the town could consider expediting every other person who submits outside of EPCAL.

And I think that's the general complaint about most towns with applicants and not every applicant is a big developer. Many times they're representing themselves and submitting relatively small matters to the town and I think the biggest gripe you hear is the length of time it takes to go through the process.

And no one looks to blame people but I think that it would be nice if in considering the site plan revisions, you had default provisions called for in the paragraphs. So that if an applicant submits something to the town and you put a standard response in that planning staff will file the report within 10 days, you should say that report if not filed within 10 days should be deemed approved.

If you don't do that and the town takes months and planning does nothing, what's the remedy for a small applicant? He has to hire an attorney and go to court to force the issue? There shouldn't be those situations.

So when I started looking through your proposal, I started saying, well, we could criticize things like why do you need the presubmission conference? We recognize we have the right and planning staff is very accommodating in meeting with us with or without this statutory inclusion but a discretionary you may meet with a presubmission conference.

But I think you should just eliminate that paragraph because the following paragraphs sort of suggest in the preliminary site application that you must have the preliminary conference because it says subsequent to the presubmission conference, an application shall be made.

So my suggestion would be knock out the first paragraph. We'll come in if we need to meet with staff and eliminate the words subsequent to the presubmission conference in the following paragraph under the words preliminary site plan application.

You then put in the preliminary site plan application paragraphs 10 day provisions. The first one talks about whether the application is complete. You fail to point out whether within the 10 day period when you make this determination, you will submit to the applicant in writing the rejection or approval.

If you're going to do it, mandate it be done within the 10 day period and if you don't do it, the application is deemed acceptable. If you don't, in the following paragraphs, you call a new standard.

You say even though the application could be complete and we could accept it, you're going to have a second go round with planning staff. Well, they may deem that the plan is not acceptable

for review. Really.

Well, if you're going to say that, give us the reasons but let's have a time frame to deliver in writing to the applicant the reasons why you don't find the application acceptable.

And if they don't respond, if planning staff doesn't do it, and let me tell you, I think planning staff knows what they're doing, they can get the answers done very quickly, and they could submit this in writing. Do it by e-mail in writing. To respond back to the applicant.

I think these time frames if you want to help people and taxpayers in the town and not hear the criticism about long delays, you will say we'll accept your application, we'll respond to it, we'll deem it complete or incomplete within a certain number of days. We'll let you know in writing and if we don't do it, it will be deemed acceptable or deemed approved.

That would be a big help for everyone and I don't think it's a big burden on planning staff.

Ultimately you talk about the notification procedure and I always say again for the small person doing their own, you've got a standard in the zoning board of appeals now, not only notify by newspaper which you do here as well, but you notify the adjacent property owners and you added in the zoning board and the people across the street. That's easy information.

You can go to the assessor's office and you can say who are my neighbors? Who are my adjacent neighbors and who are the people located across the street? Well, once you put a notice provision that talks about feet, you're going to send me back to high school and getting a protractor. Because I'm going to have to discover where 200 feet is and you know the assessors won't be able to tell me. I'll have to go back to my surveyor and in essence asking them to look at information that you would have on a radius map.

It's going to cost time, it's going to cost dollars for the smallest of applicants to comply with the standard. So even though I don't mine the 200 foot distance, I mind the fact that it's going to cause an expense and a delay to get it.

It would be easier to have a standard that's carried throughout

the town, both the zoning board and the planning board. What's wrong with in addition to the newspaper notice, in addition to the posting of the sign, what's wrong with adjacent properties and those across the street?

Again, on the decision, there's always this question of delay and if, in fact, no decision is made within the time frame, is there a default procedure?

If we go through the preliminary steps, I think there should be a default procedure just like it's suggested at the final step. You do have a provision at the very end where you talk about a 62 day period.

So I don't criticize the attempt to have a public hearing. I do just say that at the end of the day I think we should build in some speed to the process, be transparent, have a public hearing, let's give notifications, but let's try to be reasonable for everybody because I think what you'll find if you go out on the street and you talk to anyone that submitted an application for a site plan, they'll say I submitted it a year ago and I'm still not there.

And we don't look to blame the people. I think you have very capable employees and they're capable of responding quickly and giving a response.

The other thing just as a matter of information. When people make comments, when other agencies give reports, the applicant should be provided promptly with copies of those reports. Never mind in addition to that, they should get a copy of the planning staff report when it's prepared.

So overall- "

Supervisor Walter: "We don't do that?"

Peter Danowski: "Well, I think what you're going to hear is many times reports are done and reports are suggested, they're not official yet until they've been reviewed by the planning board, accepted by the planning board, yet they're a planning staff report.

And if it's the basis for rejection or the basis for accepting, then why not? And all I'm saying is build into your new statute,

whatever you adopt, some default provisions, some speed so there's a turn around time that's reasonable. Talk to the planning staff. Ask them what is reasonable, put it here. Otherwise, we're all pointing fingers, it's your fault, it's your fault, you didn't respond, we didn't hear, we didn't get it. We need to be clear with some time frames.

I ask you to put that into the amendment.

Thank you."

Supervisor Walter: "Thank you. Would anybody else like to be heard? Yes."

Linda Margolin: "Thank you. If I may, I'd like to hand up a letter, I do have copies. My name is Linda Margolin. I'm an attorney. I've had matters involving planning and zoning before this board, before the planning board I guess for about the past 15 years.

I was not planning on speaking on the matters that Mr. Danowski has addressed but something else. But I just wanted to say in passing that if you look at the way that the proposed amendment is structured right now, you'll see that it passes a lot of responsibility off from the planning board to the planning department.

And I think that if you actually intend to do that, you have to go back and review other provisions of the code which place all site plan review authority within the planning board's hands. You can't delegate this way and not (inaudible) the parsing out of authority on a departmental level without a more fundamental amendment to your code.

But that's not why I came here today. I came here today in order to address the significance of the proposed amendments and how they will affect what is already a somewhat muddy area in the town code which has to do with minor changes to site plans, either after the site plans are approved and before they're built or after they're constructed.

This is an issue I've seen in my practice all over Suffolk County and Riverhead's code currently is among the most restrictive that exist. My letter cites you to other town codes in various

townships in Suffolk County, virtually all of which have one provision or another to allow amendments to site plans that have already been approved prior to construction, during construction, or after construction if they are not significant. And those amendments which are commonly called de minimis amendments don't require- "

Supervisor Walter: "We have that."

Linda Margolin: "Yes. Last year you held a public hearing but you never adopted the law."

Councilwoman Giglio: "No. We have a de minimis in our code and you can make application to the building department and the planning department and they will for a- "

Linda Margolin: "Actually your current de minimis provision in your code only basically applies to maintenance and repair items. That's what the code says. Mr. Kozakiewicz was kind enough to point the language out to me and I've reviewed it. And it doesn't actually- I will say in practice there has certainly been what I would call field changes but you look at the language that you're now talking about adopting and it doesn't embrace the concept of field changes, it does not embrace the concept of de minimis alterations when construction is not underway.

And it says that once a certificate of occupancy is issued, everything will require a full resubmission.

I think if you- I cited some examples in my letter so you can understand the kinds of problems that frequently arise."

Supervisor Walter: "Who has got the best de minimis to look at in your opinion?"

Councilwoman Giglio: "Brookhaven, the site plan reviewer."

Linda Margolin: "I would say- let me talk about the common thread in terms of what these de minimis codes do. And Brookhaven is not a bad example, it's not perfect but it's pretty good.

If it involves less than 500 square feet of floor area, if it involves- other codes use 10% but (inaudible) buildings that can be a big change. So 500 or 1,000 square feet, a change that is only a

cosmetic change in external appearance, door and window changes that don't affect you know public safety. These are the kinds of things that I think, you know, ought to be-- if you're going to address this change and require a public hearing, you need to think about a safety valve for these issues.

And just to give you some idea of the issues that have come up in my practice where you need to do this, maybe the applicant showed materials for the elevations for siding and roofing, by the time construction started, those materials aren't available anymore. Okay. Right now, that's a resubmission.

Maybe the parking lot needs to be re-stripped. It's already built, the CO is issued and maybe they want to re-stripe it a little bit differently, allow more handicapped spaces, change the position of spaces. That's a full site plan review now.

I had a situation where we wanted-- and I don't think I'm the only one-- we wanted to change the color of the awnings of the building. Ostensibly a full site plan application. I don't think that's really what you intend. I don't think it does any harm to the desire to protect the public and have their input to provide that.

And so I've given you the citations to the other codes. You might want to take a look at them in order to see how different municipalities are handling these."

Supervisor Walter: "We'll make sure Bill Duffy right over there in the corner gets a copy of it because the very next thing we're going to be looking at is the de minimis."

Linda Margolin: "But you know, we do-- I will say, you know, and I'm not always on the same side, sometimes I represent applicants, sometimes I represent opponents to applications where people are concerned that the application properly reflects issues about circulation and parking and other things.

And I'm not suggesting, I think something that would be unfair to anyone.

Thank you very much."

Supervisor Walter: "Do you have a copy? You can have a copy

of this. Good. Thank you."

Linda Margolin: "Thank you very much."

Sid Bail: "Good evening. My name is Sid Bail, President of the Wading River Civic Association. And I'm here to speak at this public hearing.

In September, I think it was September 5th, I was at the hearing and I spoke in favor of the concept of having public hearings on commercial site plans before the planning board. I'm not too surprised actually, I'm not still in favor of the idea.

One of the things we've heard is that most towns hold public hearings on site plans. I don't believe as was suggested that this will hurt or discourage businesses and I don't think we're going to be chasing businesses out of the town of Riverhead.

With commercial projects, we've heard a lot about and it's true, these are hard economic times. And you know tax base, jobs, these things are all important, but like with any commercial project, it's not like a zero sum gain. It's like all benefits and no downside to those things.

A lot of commercial projects can have a profound impact on the lives of community residents. They can help shape or re-shape the community character.

It's our belief that residents should have the right to speak up, to voice support or to voice their concerns about various commercial applications and it's our belief that they should have this right even in as of right site plan applications.

I believe that public input can be valuable and constructive and contribute to better community planning.

I should add it's all sweetness and light so far. The last part of the proposed resolution suggests that applications that are already before the planning board should be exempt if this were to be passed.

I would respectfully suggest that they would be subject to public hearing as well.

Thank you very much."

Supervisor Walter: "Thank you. Does anybody else wish to be heard on this? Good evening."

Dominique Mendez: "Good evening. I'm shorter than Sid. Dominique Mendez, Riverhead Neighborhood Preservation Coalition.

In recent years, Riverhead resident civic groups were nearly shut out of the site plan review process while residents in surrounding towns have enjoyed more open systems in which they could voice their concerns and suggestions directly to the deciding board in public hearings.

Not only has Riverhead not had-- neglected to do public hearings, but the public was relegated to sitting on their hands and keeping quiet while applicants and their representatives regularly chimed in from the audience during planning board meetings. That's not acceptable in this day and age.

The public must be recognized and treated as true stakeholders, they are-- the true stakeholders they are and requiring public hearings for commercial site plans is an important step in that direction.

So I urge you in the spirit of open government on behalf of Riverhead Neighborhood Preservation Coalition to pass this legislation.

And I want to address a couple things that Mr. Danowski said. I do feel that a 10 day automatic approval would be an unfair burden on the town and would I think as Mr. Danowski probably knows, my guess is there are times where they might miss that 10 days on occasion. I would think it could be 11, 12 or 20. I don't know. But an automatic approval would be an unfair burden and could result in some things that might not be approved as is being approved and that's just probably a few steps farther than any of the surrounding towns go, an unfair burden on the town especially one that's down from two planners to one planner. So I don't see how that would work.

As far as the 200 foot requirement for notification, which I was glad to hear Mr. Danowski did not have an issue with except for his feeling that it might be a burden on developers.

What I use is Google maps. You can go to on line, look at your property. They have scales. If- it's truly not that difficult to get an estimate. Maybe that's something you could actually submit with your information you put to the town. I really don't see how that's an unfair burden to developers. I think they can manage- "

Supervisor Walter: "You can actually go to-- former Supervisor Kozakiewicz reminded me that you can go to real property tax services for \$25.00 and they actually do the map for you."

Dominique Mendez: "Okay. Well, that's even easier."

Supervisor Walter: "-- had some, you know, luck with Google too."

Dominique Mendez: "There are definitely some easy ways around that. So it doesn't have to be an unfair burden."

And I also wanted to agree with Sid in that the RNPC also feels that it's important. Not only is this legislation important but it's important that public hearings are required for all site plans and that includes ones that are currently in the queue."

Supervisor Walter: "Okay. Thank you."

Dominique Mendez: "Thank you."

Supervisor Walter: "Does anybody else wish- yes, sir."

Sal Diliberto: "Good evening. Sal Diliberto, from Manor Lane in Jamesport. And I'll be very quick."

I first want to agree with everything that Mr. Danowski said and as a person who went through a site plan review process and don't intend to go through one ever again, I just want to say that it was burdensome to begin with.

The planning department did a wonderful job. The agencies of government responded relatively quickly. But to burden property owners with another level of approvals, I believe is absolutely wrong to begin with.

But to add on top of that not just public hearings but the way I read the law, the comments made at a public hearing shall be taken

into consideration in determining whether or not the preliminary plan will be approved, I think that's wrong.

People who come to the town, purchase property knowing that there's a permitted use on that property, should not have to go through any type of public comment or have that public comment taken into consideration. That is a tremendous discouragement I would think for anyone to come to this town thinking that if they buy the property they'll be able to do what is stated in the code as a permitted use.

The public has an opportunity to comment on all of these things. Back in 2003 or 2004 when the master code was adopted, everyone was given an opportunity. The public came to hearings. They had an opportunity to speak out about where certain types of zoning should be or shouldn't be and their comments were listened to and the master plan was modified and then approved as modified.

But the time is over now. You know, there's that legal concept of latches. You know. At what point- if you didn't come here in 2003 and 04 and complain that someone could put this type of business in this type of area, what standing do you have to say it now?

This person owns that property, they have property rights.

And especially when you have a public hearing, we know that at a public hearing anyone can come and speak. It doesn't have to be your neighbor. And I don't want to think back to my site plan application and say, oh, I hope my neighbors like the idea of what I'm going to do. That's like building a house on your property and saying I hope they like the style of house that I'm going to build. Maybe they won't like a split level. They'll want me to do something more fitting to the area.

I think it's wrong to give people too much input when you've got a property owner who has rights that should be protected by the town just as strongly as the rights of the individuals who were protected when we adopted the master plan."

Supervisor Walter: "Thank you."

Sal Diliberto: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard? Not seeing anybody, I'll close- okay."

Jen Hartnagel: "Good evening. My name is Jen Hartnagel. I'm here representing the Group for the East End."

And we commented last- at the last public hearing on the legislation. I just wanted to reiterate a few things.

We're obviously in full support of it as written. We think it's a fair law. It's representative of the other east end towns site plan legislation so applicants and developers go through that process in those other towns.

And I just wanted to add that we live in a community here whether you own private property and have commercial property or not, it should be an equal state and a public hearing process just invites the public to play a constructive role in their community. And shutting people out of that process is not healthy for a town.

And we all should take into account that again this is a community that we live in. So I just wanted to lend support to the idea of a public hearing process. Again this is not a pie in the sky idea. The other east end towns have had this for years. Brookhaven has had this for years and hopefully each and every one of you will support this legislation.

Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard on the matter?"

Robert Kozakiewicz: "While we're waiting, I think there's one simple fix to address one of the concerns made by Mr. Danowski as far as the inconsistencies with the presubmission conference and the subsection B which says subsequent to the presubmission conference. I think it's as simple as just adding in the word if any or if an applicant submits one and that would still leave it so that it's understood that if applicable."

Councilwoman Giglio: "Or just take it out all together."

Robert Kozakiewicz: "Or take out the subsequent to. So we can cure that I think fairly simple without changing the context of

the code. That was just something I saw as an easy fix."

Supervisor Walter: "I agree."

Councilwoman Giglio: "And the reason that we have presubmission conference in here is because a lot of applicants come that don't do business with the town on a regular basis and they didn't know that this was available to them before they file a preliminary application or an application."

So they would have liked to have input from the planning staff before they actually engineer a site plan. So that's why we put it in there to make it so that people would know we offer that.

With item No. B paragraph No. 3, with the second line where it says planning department shall determine whether or not the application is complete and notify the applicant by mail might be something that we would add in there to address your other concern that the applicant would be notified when the application is complete.

The 10 day period is just to determine if the application is complete. Do they have their landscape plan? Do they have their lighting plan? Do they have their elevations? Do they have their renderings? Do they have everything that we need to review the property in its entirety. Review the site plan in its entirety.

Because it would be a shame to have that site plan application sit on somebody's desk for 30 days or 45 days and then get a letter saying, well, you didn't give us your color sample or you didn't give us your rendering. You didn't give us your landscaping plans. So we're not going to review it and now get that to us and when you get it to us, then you may have to wait another 30 days before you get a letter saying that something else is missing.

So within 10 days you'll be notified that the application is complete and ready to review. So that's why we put that in there.

Under B, item No. 4 planning department review, one, two, three four - on the fourth line down, preliminary site plan is acceptable for review by the appropriate reviewing board as set forth in this code.

I think that if we put in there for the following reasons in

that letter, you know. To just make it 100% clear that it is acceptable or it's not acceptable- it's not acceptable for the following reasons and those reasons would come out in the forefront rather than- "

Supervisor Walter: "That's something that's back to public hearing again. I truthfully would rather hold the public- get this through this public hearing, adopt it or not adopt it because these changes are putting you back at public hearing."

Councilwoman Giglio: "I know, but I'm just addressing the additional comments that have come up in this public hearing. And I agree, I think it should be adjoining properties only."

Supervisor Walter: "Okay. Go ahead."

Dominique Mendez: "One thing I forgot to mention and it's kind of related to what Jodi was just saying about acceptable site plans."

This is something we brought up before and it's extremely directly related to this. In fact, I thought it might be included

in this legislation but I think you guys said that, you know, it belongs in another place so it's about the process. That there's nothing in the site plan process to require planning to look at covenants, easements, and other deed restrictions that run with the property."

Supervisor Walter: "It's a different section of law."

Dominique Mendez: "Right. And I wanted- you said you would be working on it. I think it's an easy fix."

Supervisor Walter: "What's the status of that one?"

Dominique Mendez: "That was my question actually."

Supervisor Walter: "Working on it."

Dominique Mendez: "You're working on it? Okay, great. I was hoping it's an easy fix and that's fairly important, that's part of this. I know it's- "

Supervisor Walter: "We have a lot of easy fixes. He's got a list of them, a stack on his desk like this."

Dominique Mendez: "Right. But that's something that you agree was kind of an oversight and should be in there."

Supervisor Walter: "I agree."

Dominique Mendez: "I would make it, you know, a little playing field and it would- "

Supervisor Walter: "We can take that up with possibly reviewing the de minimis in our code versus maybe what was done in Brookhaven which has a- you know, it's not a bad de minimis because you don't want somebody to come in here and do both of them together maybe."

Dominique Mendez: "Right. But I would hope in the meantime now that you realize it might have been an oversight with covenants and easements, that the planning department won't hesitate. They will start to do that even before it's adopted."

Supervisor Walter: "It's my goal to try to put this up for a vote at the next board meeting, changing subsequent to maybe adding if it's not a big deal, by mail, as Councilwoman Giglio said. Get this adopted and then if there is other things that need to be done with it we can look at it but if we just keep going back and forth, back and forth, back and forth- "

Dominique Mendez: "Yeah, I agree. This is 108-3.2. It's slightly different but it's directly related because it's about the when you deem an application complete. So thank you very much."

Supervisor Walter: "Right. Does anybody else wish to be heard? Okay, I'm going to close the public comment portion and leave it open for written comment until Friday, October 28th at 4:30 p.m."

Public hearing closed: 7:49 p.m.

Left open for 10 days for written
comment to Friday, October 28, 2011

Supervisor Walter: "Bob, both of the public hearings are very similar and what I'd like to do and Bob and I discussed this a few minutes ago."

Public hearings opened: 7:50 p.m.

Supervisor Walter: "What I'd like to do is open the 7:10 and the 7:15 public hearing together since I suspect the comments are going to be very similar and so we'll open the 7:10 having arrived and 7:15 having arrived, we're going to open both public hearings and what I'll do if there's specific comment for one section over the other section, just let us know, you know, what it's applicable to.

Our original intention was to hold these together or to advertise them together and I don't think it really does a disservice to have two public hearings on something that is very similar.

So we're going to open up the 7:10 meeting in consideration of a local law amending Chapter 108 of the Riverhead town code entitled Zoning Article I general provisions of 108-3 definitions, word usage, accessory building, structure or use; and we're going to open up the 7:15 consideration of a local law amending Chapter 108 of the Riverhead town code entitled Zoning Article 1 general provisions 108-3 definitions, word uses, agricultural production and, Bob, do you want to give us just a brief overview of this?"

Robert Kozakiewicz: "Well, as-- I think the supervisor did-- it's sort of self-explanatory, but perhaps a little bit of background (inaudible) the intent or the idea that was coming out of my office.

This was something that Deputy town attorney Ann Marie Prudenti was working on as a more global change to the code and there were a number of provisions that we were looking to change over and incorporate to hopefully bring some clarification and hopefully assist with respect to not only accessory use questions, but the agricultural use questions.

For example, we were hoping although it's not for the public hearing, to allow for some changes to say the industrial A zoning which would allow for a clearer picture where you have accessory outdoor storage so that you didn't get pinched with respect to the

question of it being subordinate in area to a building.

We recognized when we were looking at the statute that in some of the zoning districts where there is outdoor storage for example, it's going to be unduly limiting and probably contradictory to have an accessory use that's subordinate in area to a building.

So we understand that and that was something that-- unfortunately it's not before the public today but it's something that we would like to bring back to the board to consider as a total package if you will.

The two changes are self-explanatory. One is accessory building to change the definition such that it's now going to be subordinate, and these are the key words, in area, extent and purpose to and serves with respect to the principal building.

So it's going to need to be smaller in area and as well as the extent of the use.

The second provision is the change to the agricultural definition. And basically what we're looking to do is adopt the provisions of the Ag and Markets Law, Article 25AA as to the definition of agricultural production."

Supervisor Walter: "Okay."

Councilman Dunleavy: "Bob, why can't we table the first one until we find out what we're going to do with the outside storage? What we're going to do is have a public hearing on this, possibly pass it, and then we'll have to look at the other portions, have another public hearing and make changes and stuff.

So why don't we just table this one-- "

Supervisor Walter: "Because I just opened the public hearing."

Councilwoman Giglio: "And there's a lot of people here to speak on it."

Robert Kozakiewicz: "We've already noticed the public and of course we did it with two separate resolutions. They were separately published although they're being called together in

unison, this still gives the board the flexibility to address one and leave the other aside. And as you know as a board, there's a lot of times where we go to public hearing and do not adopt legislation. It just dies on the vine. So there's no harm in that path."

Councilwoman Giglio: "And I would like to point out that it would have to be industrial A where the exception would exist and also in the planned industrial park which is the EPCAL site. So, and if the definition gets adopted this way, this is going to be blanket throughout the code so I don't know how we would possibly make the changes in the individual zoning.

The definition of accessory structure or use says that it must be subordinate in area. So are you going to say unless it's in industrial A or- "

Councilman Wooten: (Inaudible)

Robert Kozakiewicz: "No. One example would be, and- but what I would like to do is maybe hear from the public first and then I will address your comment as to change that we could make to the industrial A legislation."

Supervisor Walter: "Is that where it's only applicable to?"

Councilwoman Giglio: "PIP also."

Robert Kozakiewicz: "There's a few others as well with outdoor storage."

Supervisor Walter: "That's the purpose of having a public hearing so we can get- "

Councilwoman Giglio: "Industrial A is 30% of the lot area or two acres, whichever is- "

Councilman Dunleavy: "I feel you just eliminate places that we have with this outdoor storage by saying area."

Supervisor Walter: "Okay. Let's- Mr. Cuddy."

Charles Cuddy: "Good evening. I'm here to address the 7:10 question about the accessory building structure use."

And maybe eventually it should be tabled but I'd like to take a look at a few things. It eliminates two words that are significant words. You can't de minimis this elimination. You eliminate customarily incidental. Those words have been used for 50 years in this code. Southold code by the way is identical to this code.

Those are words that can be used by the public, by zoning boards, by judges, by lawyers and now we're taking them out of our code. And I'm not sure they should be taken out after 50 years because in place of them you're putting subordinate in area, extent and purpose.

I don't know what extent and purpose relates to but I do know what area relates to and I'm very concerned that you would reduce this type of definition by adding those words to it.

I point out to you also that some areas of the code actually refer in the code provision itself to accessory uses are those customarily incidental to the permitted uses. That language which is identical to this language here is in the hamlet residential district. It's in the destination retail district.

So you have the same language and I don't know how this is going to affect that because that language is still there.

Throughout the code in virtually every section of the code, you use the terms customary, accessory uses. I don't know how this affects that. In other words, you haven't really put all of this together.

But I'm more concerned about something that you're doing. I think you're eliminating uses that people have and that may have in the future and I'd like to give you just a few examples.

You take a corn maze. Is the corn maze greater than the pumpkin patch, the principal use? Suppose that somebody has a garage, a deck, a swimming pool and a tennis court. All accessory uses and they're greater than the house. Which is very possible. You could have square feet and a house that's smaller than those uses. Would that be permitted anymore?

What happens if there's storage and a marina and the storage is greater than the berthing of the boats which is the principal use. Again, that's an accessory use.

So in every one of those instances, you're cutting down the area and I'm not sure that you mean to do that.

I note in this town that there's a bank that seems to have a drive in facility which is (inaudible) the size of the bank. Would you then stop banks from doing that?

There's a provision that permits stone cutting in the code. The stone cutter obviously is going to take his materials and store them in a yard which is much greater than the small shop that he has. This would eliminate the same thing. It would take that away.

Where you have building, plumbing, electrical contractors, all of those people use yards that are significantly greater than the shops. You would make them non-conforming so all these people would have non-conforming uses.

I don't think that this provision is completely thought out. And I would really hope that you would look at it a little more seriously. I think it deserves a little more attention. I think it should stay as it is and it seems to me and this was brought to my attention that a former town board member indicated that this looks like a solution looking for a problem. And I really think that it is. And I think that at this point you should really take a serious look at this and reconsider it."

Supervisor Walter: "It might be just easier to take wine tasting away as a customary incidental use to nursery school. Just a thought. Thank you."

Charles Cuddy: "Thank you."

Supervisor Walter: "Mr. Diliberto, are you coming back?"

Sal Diliberto: "I'm coming back now."

Supervisor Walter: "Do you want wine tasting as an accessory use to nursery school?"

Sal Diliberto: "Well, I'd like to be sort of out in the open that this law was drafted really as a reaction to that. You know, from the point of view of honesty in government we should look at things. We're a nation of laws and it's necessary to have laws to

have an organized society. But we shouldn't have any more laws than we absolutely need. And we shouldn't have redundancy in the laws.

I've read those comments over the past few weeks regarding we don't want to have wine tasting rooms in the schools and we don't want to have wine tasting rooms in churches. You can't tell from reading the paper whether the people whether the people who were quoted that way were smiling when they said it or were serious when they said it. I hope they weren't serious when they said it.

Because if they were, they were ignoring one very basic point. In addition to being a winery owner myself, I'm also a member of the board of directors and corporate secretary of the Long Island Wine Council.

We are a very heavily regulated industry. We answer to the New York State Liquor Authority which enforces the rules and regulations of the Alcoholic Beverage Control law. We also answer to the Department of Agriculture and Markets and their rules and regulations.

I don't know if anyone in town government, whether it be in the town attorney's office or in the members of the board, have contacted the state liquor authority to find out in fact whether a winery tasting room would be permitted in a school or in a church or in a playground or even in the existing structure that's being constructed on Main Road in Aquebogue.

Has anyone contacted the state liquor authority?"

Supervisor Walter: "Not as far as I know."

Sal Diliberto: "Has anyone looked at the alcoholic beverage control law?"

Robert Kozakiewicz: "In the past year I've had occasion to look at it with respect to one application. Yes, I have."

Sal Diliberto: "If I may, I'd like to read from Article 6 Paragraph section- of Paragraph 7 of the alcohol beverage and control law as it relates to farm wineries, which is what we are here on Long Island.

It says the holder of a license issued under this section may

operate up to five branch offices located away from the licensed farm winery. Such locations although not required to be on a farm shall be considered part of the licensed premises and all activities allowed at and limited to the farm winery may be conducted at the branch offices.

Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business including premises licensed to sell alcoholic beverages at retail.

Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the offices shall not be subject to— and the authority may issue a permit for the operation of same.

Clearly and very bluntly and simply under the law there has been a discourse that's a waste of time and any proposal for a new law to prevent the situation where you have a winery tasting room in a church or a school or a retail store is a waste of time. It's prohibited."

Supervisor Walter: "So what you're saying and what you're advocating and I don't know this to be true or not, I guess they'll find out is that this craft store in Aquebogue could not— will not be successful in obtaining their liquor license."

Sal Diliberto: "I don't care what the planning board told them they can do, I don't care what the planning board told them. The planning board does not issue licenses to farm wineries. The planning board does not issue permits."

Supervisor Walter: "I understand that. Do you think that they will not be successful in obtaining some form of liquor license?"

Sal Diliberto: "If they are going to have a winery tasting room within that structure, if they are going to have it within the use that they have which is arts and crafts store, it is an impossibility under New York State law."

Supervisor Walter: "I agree. But is there— I'm not an expert, I may be an attorney but I'm not an expert in that— in the law."

Sal Diliberto: "I think it's absolutely- well, let me just preface this by saying too. This law becomes effective Thursday. It was passed in July. It's a part of the code already. But it just states that it's effective as of October 20th."

Supervisor Walter: "So the fundamental question is, is there something else other than that law- is there something else under the SLA act that would allow them to get the permit? Because if they can't get the alcohol permit, this may be as you said a moot point."

Sal Diliberto: "Yes. Because whatever winery we're talking about, if we were talking about a winery that was considering doing it, has to have this as a satellite location. And this has to do with satellite location. I don't think there's any way out of it."

Councilman Gabrielsen: "Right. I'm familiar with what you just read because like you say that's an accessory use for satellite of a wine operation."

Sal Diliberto: "Correct."

Councilman Gabrielsen: "Right. The problem it looks like we're having and I've had people come, you know, talk about (inaudible), I come from wherever, I'm not a farmer, I rent a candle shop and I open accessory and use it as a wine tasting. And like you say, that's not permitted."

Sal Diliberto: "No."

Councilman Gabrielsen: "It shouldn't be permitted and that's what we're trying to avoid because we see this happening."

Sal Diliberto: "Under the New York State law it's not permitted. The town- "

Supervisor Walter: "That's what we have to find out. Is there some other- that's one provision- "

Sal Diliberto: "If there's a way around this, I'd like to know about it. Because, you know, one thing I would just say. And I said this a few years ago and Mr. Dunleavy and I think Mr. Wooten agreed with me."

Whenever this town is concerned about a particular industry and are proposing laws to modify something that they feel that industry can do and should not be able to do.

The first thing that should be done is that you should contact the industry representatives. You know, you can just call 722-2220, the offices of the Long Island Wine Council. We would be happy to do whatever we can to help the town save time and effort. Nobody can be an expert in every area of the law as you well know."

Councilman Gabrielsen: "So our concern is how do we stop it? Like you say, ZBA makes a ruling, grants it. You're saying that the state wouldn't allow it. So that's exactly- "

Sal Diliberto: "They could say, listen, they could say you could have a nuclear reactor there. Now I don't think the Nuclear Regulatory Commission is going to grant them a license."

Councilman Gabrielsen: "But (inaudible)."

Councilman Wooten: "Well, I wish I knew this before (inaudible)."

Sal Diliberto: "I kept reading this in the paper and I kept saying to myself somebody is going to come up with the fact that you can't do it."

Councilman Gabrielsen: "We're aware of that."

Sal Diliberto: "Aside from the fact that I think this board and this administration holds the wine industry in a lot higher regard. Discussions about winery tasting rooms in schools or churches is just absurd. It is absurd. So I hope in light of this you just eliminate this- "

Councilman Gabrielsen: "But to you- I agree with you. To you in the industry, yes. But the one that comes from wherever and rents the candle shop, no. They (inaudible). We have to make them understand that."

Sal Diliberto: "Well, if they don't understand the Alcohol Beverage Control Law yet, they will shortly."

Councilman Dunleavy: "That's right. Because they can't

operate unless they have a license. They have to get a license from the state- "

Robert Kozakiewicz: "Just so- that was Section 6 of the Alcohol Beverage- "

Sal Diliberto: "Article 6, Section 76A, paragraph 7."

Robert Kozakiewicz: "Article 6- "

Supervisor Walter: "Grab a copy of that, Sal."

Sal Diliberto: "I do have a copy. I made a copy for the legal department."

Supervisor Walter: "It's interesting because we're, you know, this is one of those cases where we do a lot of (inaudible)."

Sal Diliberto: "I know what you were looking to accomplish but, you know, you didn't need to waste your time. You didn't need to waste your time."

Councilman Gabrielsen: "Well, it's also not just wine tasting accessory use. It's also farmstands. That's another- that's still under- we've got to, you know, same thing, rent a candle stand, open a farmstand."

Sal Diliberto: "I agree 100% with what Mr. Cuddy said. You're opening a Pandora's Box. I'm just trying to change laws- you're trying to change laws without really giving serious consideration to the ripple effects.

You can't just take care of this problem with this law. Now you're creating other problems that are going to become real problems for real people- "

Councilman Gabrielsen: "No. We're not looking at the big picture. Well, we see more and more of these applications coming in now that happened in Aquebogue. We're getting inquiries to do the same thing."

Sal Diliberto: "Inquiries for winery tasting rooms?"

Councilman Gabrielsen: "Right. From somebody that's not, you

know, comes from wherever, rents a store and just open a wine tasting- so it's going to be an oncoming problem."

Sal Diliberto: "I mean point them in the right direction."

Supervisor Walter: "We don't have to do this. We can just eliminate a couple- we can tighten that one section of the code up very simply rather than- this was a shotgun approach to (inaudible)."

Sal Diliberto: "You can possibly say that- if you want to say that winery tasting rooms and farmstands may not be located on the same premises as the following, you know, and list churches, schools, you know, playgrounds, whatever it may be. Fine. Eliminate what you feel would be egregious situations without affecting some of the other businesses."

Supervisor Walter: "I think what we need to do is research the ABC law- "

Councilman Dunleavy: "I agree with you. Before you jump to conclusions when you don't like something, you should research it first, go to the proper authorities and find out what can be done and what can't be done before you put something like this up. Because it takes a lot of man hours to do this and we're wasting a lot of time when one or two phone calls for five or ten minutes could solve the whole problem."

Sal Diliberto: "If you want to fix your car, you can either read a book or talk to a mechanic. They'll tell you what to do in five minutes."

Councilman Gabrielsen: "Right. But the same argument was given to the ZBA."

Councilman Dunleavy: "That's how you get in trouble by changing zoning like this and regulations."

Councilman Wooten: "Well, the town perceived the loophole that they felt was inappropriate and they're just trying to take measures to correct it."

Councilman Gabrielsen: "To correct it, right. (Inaudible)."

Councilman Dunleavy: "Yeah, but the best measure is contact the authorities that know about this."

Supervisor Walter: "Mr. Diliberto, thank you very much."

Sal Diliberto: "I did want to speak on the second issue but I'll wait if other people want to speak on this."

Supervisor Walter: "No, no, go ahead. Because I called them together because I thought we would get very similar comments."

Sal Diliberto: "I thought you called them together because they are both so terrible. I guess it was like they were on sale or something like that. You got two of them for the price of one. Two bad laws."

This next law I really- I just, I can't believe it. First of all, you know, my question goes back to the same thing we were talking about before. What's the real reason for this change in the definition of agricultural production? Just between us. What's the real reason?"

Councilman Dunleavy: "George, can you answer that question?"

Robert Kozakiewicz: "Well, I'm not- I'll be honest. This is something that I would not handle. But I think there's a number of instances where agricultural production is taking place or allegedly taking place and our code has been a little bit unclear on, you know, because we talk about the production for commercial purposes and then we thought that this would actually open up and be more conducive to the agricultural producer."

Sal Diliberto: "That's- if I was going to- I don't want to say- I was going to say if I was going to walk through that explanation I'd need some high boots. But what I'll say is that I see- I say I know what the purpose of this is."

About four years- three years ago a law was passed which amended the zoning in the APZ and then subsequently a few other districts which provided that.

If you wanted to have an accessory structure for the sale at retail of farm product, that you had to have seven contiguous acres on the property that you were building."

Robert Kozakiewicz: "(inaudible) that legislation."

Sal Diliberto: "Now, that was the Sal Diliberto law that was passed back then because I was the only one who had a two acre parcel and I have a winery and a tasting room. Despite the fact that I had other acreage attached to it, that one-two acre parcel was legally permitted to have it and that's what we did it on, the two acre parcel."

Now, if you talk about agricultural production. The first thing is from a legal point of view for the town of Riverhead to say that we define agricultural production the same way they define it in the agricultural markets law, section 25AA, is somewhat deceptive. And obviously could lead to all kinds of problems in the future if, in fact, the agricultural and markets law changes section 25AA or deletes it or modifies it.

Because then automatically the town's code is going to be modified whether they like it or not. You should certainly never do that when you're drafting a law.

What is it that you want to accomplish here? Do you want to prevent people from being able to have a farmstand or a structure for the sale at retail of their product unless they have a specific amount of property?

Basing it on this, on this provision of the law, the Ag and Markets Law, what you're basically saying is nobody can farm their property in Riverhead in any zone where agricultural production is a permitted use unless they basically have at least seven acres of property.

So if you've got five acres of property in the agricultural protection zone, you can't farm it. You can build a house on it, a couple of houses."

Councilman Gabrielsen: "I think they're talking about the farming in support of a commercial operation. In other words, you need seven acres if you're going to commercial- you can farm in Riverhead one acre."

Sal Diliberto: "Can I say- in Ag and Markets Law, Section 25AA, does everybody know what that section refers to? That article?"

That article refers to the tax assessment of farm property of seven acres or more or farm property of less than seven acres if it produces more than \$50,000 a year in income. So this is not a provision. Under New York State Ag and Markets Law and you can speak to counsel for the Ag and Markets, there is no definition of a farm by size.

Many years ago, they used to have a definition. They removed that because they did not want to discourage agriculture in the state of New York. As we know, Article 14 of the New York State constitution, in fact, states that nothing shall be done to inhibit in any way the growth of agriculture in the State of New York."

Councilman Gabrielsen: "Right. I think we're well aware of that."

Sal Diliberto: "Okay. Well this provision has nothing to do with what is a farm. So somebody was trying to attach this for a different reason. The reason being that under 25AA, if you get the farm assessment for your land, that land doesn't have to be contiguous. You can have four acres that you own here an acre that you rent over there and two other acres that you lease- "

Councilman Gabrielsen: "Or just one acre if you do \$10,000 or more in sales."

Sal Diliberto: "Fifty thousand. It would have to be \$50,000. You'd have to grow some great cucumbers or whatever may be to make \$50,000 a year from that one acre.

So what this law- what would really happen here in the town of Riverhead? Rural corridor. You've got one acre minimum zoning. In rural corridor, somebody could come in there- I know what you're talking about you want to prevent.

Let me tell you what could happen in rural corridor with this law. Somebody could come in there who's got a 10 acre Christmas tree farm and they go to that one acre and they can open up a winery tasting room like that. Because agricultural production is now being defined pursuant to the Ag and Markets Law Section 25AA. They have more than seven acres of land. Contiguous, non-contiguous doesn't make any difference. They can go on that one acre and open up what you don't want them to open up.

So this law, just like the other law, not only doesn't accomplish what you want to accomplish, this opens up a can of worms. This allows-- to begin with, it says the town is saying now only if you're a big businessman can you have a farmstand or a winery tasting room. So it's only the big landowners who can have it. The smaller landowners, if he's only got six acres, he can't have it.

I don't think that's what the intention was but that's what you're saying to the people. And worse than that. As I said before. Agricultural production is a permitted use in the APZ. And if you've got-- if you want to grow five acres of corn there, you should be allowed to do it and to sell it.

The fact that you can't get a reduced taxation on that five acres has nothing to do with anything. It's your right, you own that land. You bought that land. You can farm it. This is unconstitutional. This is an accident waiting to happen."

Supervisor Walter: "Well, it's the wrong application and I agree with you. It's the wrong application of Ag and Markets Law for a definition of agricultural production. You're right."

Sal Diliberto: "I mean-- "

Supervisor Walter: "Sal, you're right. This is-- both of these come under the heading of probably not the greatest pieces of legislation. This is why we have public hearings because we have problems and the town attorney's office, we've asked them to come up with solutions so they're not infallible. They come up with solutions-- "

Sal Diliberto: "I have a simple solution. My simple solution is just go back to the way the law used to be. Get rid of that seven acre requirement in the APZ and the other zones. Get rid of that, go back to the way it used to be. It was fine.

You're not going to get a lot of people rushing in to have farmstands or to have winery tasting rooms. Believe me. Who wants to work that hard? Who wants to spend that much for so little return?"

Supervisor Walter: "Let me ask you a personal question."

Sal Diliberto: "Sure."

Supervisor Walter: "Is farming harder than practicing law?"

Sal Diliberto: "Absolutely. Absolutely. Especially this year. Anyway, thank you for your time and I certainly hope you vote against it."

Supervisor Walter: "Thank you."

Councilman Wooten: "Well, it's a public hearing."

Dominique Mendez: "Hello again. Dominique- I'll say it again. Dominique Mendez, Riverhead Neighborhood Preservation Coalition."

I don't believe-- and I wanted to address solely the accessory definition. I don't believe that the change in the code is solely a response to the ZBA's ruling. Ann Marie Prudenti, and I wish she were here, I think she spent a lot of time on this and some other proposed related code changes and I think Jim Wooten said it and he's correct in that it closes a loophole.

And that loophole is not just in response to the ZBA's recent decision because obviously it didn't prevent that decision from happening.

It has far reaching and it's a logical change in the definition and let me explain what I'm talking about.

The definition in our town code for accessory use building or structure does not reflect the generally accepted definition of that building term. The proposed definition describes the relationship that should and in most towns and courts of law must exist between the accessory and principal use in order for an accessory use to be allowed. And that's how it should be.

Of course, an accessory must be subordinate to the principal use and that's something that you're going to have to qualify what subordinate means. If it were not subordinate, it would be the principal use and I think, Sean, you mentioned such a thing in the work session."

Supervisor Walter: "The problem is that, and Charles Cuddy is

correct, customarily and incidental to is a term of art and I don't know why Ann Marie took that out because there is case law upon case law upon case law discussing customary and incidental to and we shouldn't be so quick to throw out 50 years of case law on that.

So those words need to be added back in regardless of what we do."

Dominique Mendez: "You shouldn't throw out the case law and I wouldn't say- it's unfortunate that it's necessary maybe to be that specific but with the recent ZBA ruling, it's clearly- you need to be that specific because somehow the ZBA ruled that wine tasting is customarily- customary accessible- "

Supervisor Walter: "Well, it's more a function the way the code was written."

Dominique Mendez: "No. Those words- "

Supervisor Walter: "Absolutely. Because it lists every- the way the code is written it's a logical response to the way the code is written."

Dominique Mendez: "No. Only if those things are incidental- customarily incidental to and that's part of- "

Robert Kozakiewicz: "I would agree with you but if you go to CVS and this is a classic example because do they sell only pharmacy goods? No, they sell milk, they sell toilet paper, they sell ink supplies, they sell ink cartridges. Best Buy, go in. There's a section that has physical fitness gear, workout gloves, weights, a little bit of weights.

I think marketing has changed and, again, I know we're talking about a public hearing but it seems that it's going across the board more where you don't have a- I don't think we're going to go out and stop CVS and cite them for a violation that they're not operating as a drug store.

But I mean I don't want to demean the comment. I just think that you know there's a lot of criticism that's been thrown at the town attorney's office for drafting this. We took a stab at it, we're listening to the public comments and I just- I'm not sure where I'm going. I'm just a little bit taken aback by how angry the

responses have been I guess."

Supervisor Walter: "I'm not angry."

Councilman Gabrielsen: "Yes, but to Bob's support, we did have some members of the Ag Advisory Committee weigh in and kind of supported this."

Dominique Mendez: "Right."

Councilman Gabrielsen: "So I know you get one or two guys, oh you know, the farm advisory committee members of even the farm bureau were here kind of supporting this. But they see the trend, where it's going."

Dominique Mendez: "Right. And it's not just in relation to agriculture. I mean when you have a poor definition that doesn't truly define accessory in ways that other towns define accessory."

Councilman Wooten: "Well, we never realized it was a poor definition until a decision came out that didn't make much sense. (Inaudible) a reaction to that particular decision."

Dominique Mendez: "And then when Ann Marie looked at it she realized."

Supervisor Walter: "Yeah. But you can't even say that because most other towns use customarily (inaudible). Most other towns use those terms."

Robert Kozakiewicz: "I think that was maybe the point I wanted to make. I think that if you go to any town code and look around, you're going to find and as Mr. Cuddy has pointed out, the use of the phrase customary or customarily incidental to, and that's pretty common."

The only difference may be in some of the other words that follow and when you look at the definition and maybe we would be better suited in not looking to add specific accessory uses to our other zoning text and instead keep an accessory definition in 108-3 and then have that usual language that says as we used to have accessory uses that are customary to or whatever.

I think maybe that's where we've created the problem."

Dominique Mendez: "Well, unless you specify those uses it seems to me to say that the accessory use will be subordinate to the principal use is only rational and reasonable and to qualify that and customarily incidental, that is a good- it's not that that's a bad term but apparently it needs to be more specific in Riverhead to say what that is. Because sometimes interpretations, they're- it can serve as a loophole because people will call anything customarily incidental to anything else."

Councilman Dunleavy: "I just want to answer one thing Councilman Gabrielsen said."

Robert Kozakiewicz: "True. Like (inaudible) gas stations."

Councilman Dunleavy: "If some person comes to a councilman and suggests that this be changed, this is why we have the public hearing. They should come to this public hearing and say I support this and this is why I support it and, you know, we're not making changes because a councilman spoke to someone and said you know this is the change you should make. They should be here to voice their opinion at this public hearing, like you're doing and like everybody else is doing."

Supervisor Walter: "And maybe- no, we didn't get to the next one. All right. Go ahead. Is that it?"

Dominique Mendez: "Yes. I think that's it. Thank you very much."

Supervisor Walter: "Next."

Councilman Gabrielsen: "And I also want to, you know, state that in the agricultural production, we're bringing in line here with the Ag and Markets Law so we're kind of bringing into Ag and Markets by limiting- "

Supervisor Walter: "Yeah, that's the wrong section of the law. What I'm thinking what Sal- "

Councilman Gabrielsen: "But it will give a broader stroke so say exactly what you were saying, Ag and Markets rule."

Supervisor Walter: "Yeah, but it's not the right- so we have to go back to the drawing board on that one. Next."

Susan Catalano: "Good evening. My name is Susan Catalano and I'm here representing (inaudible) Stone Works. We're currently preparing the site for a new building that we're planning on locating here in Riverhead.

And one of the biggest stumbling blocks is the outdoor storage. Without so, we cannot locate our buildings in Riverhead."

Supervisor Walter: "I agree. We tried to put it in the code and I don't know why it never got taken back up."

Susan Catalano: "No. And that's it. I mean we're looking to bring a hundred additional jobs you know on top of the hundred that we already supply here. But without outdoor storage for our marble and granite, there is no way whatsoever that I can do that.

There's no way to put it under financially fiscal responsibility under a building. The size of the building would have to be huge. We're not looking at throwing stone all over the things because if the stone is not properly cared for, it breaks and cracks besides the fact that you have people look at it and nobody wants to look at it if it's not pleasing to the eye.

So we're not looking to make something that would be an eyesore but something that would enhance the beauty of the building itself. But without this outdoor storage, and it's a significant amount of outdoor storage, we're not- you're hindering our business. We could not grow- "

Supervisor Walter: "Let me ask you a question. Are you looking to go into the industrial C zone?"

Susan Catalano: "Yes. I do believe that's the one."

Supervisor Walter: "It is I believe. It's crazy because we had a public hearing. I don't know why it wasn't- we adopted one portion of the industrial C where we allowed manufacturing but we didn't adopt the outdoor storage.

It's insane because if you have a- in industrial C which is our light manufacturing, the fact that we don't allow some degree of outdoor storage is not- gets back to some fundamental problems with the way our town code was adopted pursuant to our master plan.

And the town- I think the town was very receptive to having outdoor storage. Now I'm not talking about the entire area, but we were receptive to doing that and I guess that was in code revision and we'll have to call that back up."

Councilwoman Giglio: "When I proposed the legislation it included outdoor storage and there was a lot of opposition from property owners on Route 25 that didn't want outdoor storage in industrial C and that's why that portion was dropped off of the public hearing and just the indoor manufacturing was adopted without the outdoor storage but it was in the original legislation that I put forward."

Supervisor Walter: "Well, let's put it forward again."

Susan Catalano: "Thank you very much."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "You can't have an industrial zone without outdoor- "

Councilwoman Giglio: "So I'm correct in saying that you object to the saying that it's subordinate in area? Is that correct? That is correct."

Supervisor Walter: "It wouldn't make a difference in industrial C because outdoor storage is prohibited."

Councilwoman Giglio: "No. But right now- "

Supervisor Walter: "Even if you had this, it could never be customarily and incidental to because it's prohibited."

Councilwoman Giglio: "Well, right now they're in the planned industrial park. So if this were adopted, that would restrict their outdoor storage there."

Supervisor Walter: "All right. Next. Welcome back."

Bill Welsh: "Thank you. Nice to be here for a few minutes. My name is Bill Welsh, 409 S. Jamesport Avenue, Jamesport. And, boy, this has been a real learning experience tonight I will say. I'll bet when they put the define uses of farmstand and wine tasting

room, they put it in there so the ZBA nor the board would ever have to deal with it because somebody would say, well, that's really not agricultural production.

I can certainly understand, you know, why that came but it seems to have, you know, made more of a problem than we thought.

I think despite the headline issue here, we still have to look at what is an accessory use and what is commonly understood as going together with a primary use and I think that's the thread that was behind all of this that the underlying issue besides just the wine tasting and the church or the school.

So I would encourage you to continue to focus on that as, you know, we try and tighten this up because I think it still needs to be clarified. Thank you."

Supervisor Walter: "I think the perfect example actually is Bob's-- because I'm think about CVS. CVS was a drugstore folks-- "

Councilman Wooten: "I like Walgreens."

Supervisor Walter: "-- you walk into Walgreens or CVS, it is not a drug store. Twenty percent of it is probably a drug store, eighty percent of it is a-- "

Robert Kozakiewicz: "When I started out as a lawyer, a "C" store I don't think was an allowed use to a gas station either but-- and I haven't been in practice that long. But now it's an accessory use."

Sueprvisor Walter: "No, you're pretty old. I like to keep it light here. Anyone else wish to be heard?"

Peter Day: "Hello. My name is Peter Day. I'm from Stony Brook Manufacturing. I was asked to come before the board today and read a letter that's been prepared by my company regarding the outdoor storage issue. It seems like we've covered some of it. I'd like to read the letter.

This is an open letter to the supervisor of the town of Riverhead.

Stony Brook Manufacturing Company, Inc. has only five acres on

which to conduct business. The nature of our business (the manufacturing of traffic signal poles and sign structures - some of these span over 200 feet across our highways) demands the utilization of all five acres.

Any reduction in outside storage would be catastrophic to our business and thus employment as we could be forced to close, losing some 18 jobs.

Stony Brook Manufacturing Company employs Americans making a good wage, using only American made steel and American made parts to manufacture our products.

Yes, we are one of only a few companies left that can say that.

In fact, a representative from the Glenn Beck show has contacted us to do an article on our company, and now you are attempting to change that. Honestly, we thought the town of Riverhead was looking to hold onto jobs, not lose them.

Ironically tonight as we speak, Graham Scaife, the owner of Stony Brook Manufacturing is in Florida negotiating a lease purchase of a yard to receive our products for distribution but having only just been informed this morning by a town official of tonight's meeting, he has widened his search to include factory space and yard. Be rest assured that outside storage will not be an issue.

Please do not give Mr. Seaife a reason to pursue such an acquisition. Make no mistake, we all want to stay in Calverton and continue our expansion.

We implore you to abandon this outside storage limitation.

Sincerely, Stony Brook Manufacturing."

Supervisor Walter: "Do you want to submit that letter to the- thank you. How are you doing, sir?"

Tom Tebbins: "I'm tom Tebbins from Tebbins Steel. I'm located in Calverton Enterprise Park. I don't think I just speak for my own company but I think I speak for almost everybody in that zone that to eliminate outdoor storage, would eliminate- it would be impossible."

Robert Kozakiewicz: "I think I want to clarify something because we're going down a path which is- "

Supervisor Walter: "There's no elimination of outdoor storage."

Robert Kozakiewicz: "We're not changing the code to say no outdoor storage. Just so that's- "

Tom Tibbins: "But it says an area. Correct if I'm wrong. It says- "

Councilwoman Giglio: "Subordinate in area."

Tom Tibbins: "If we go to expand our building, we would have to do what? Would we be held back- "

Robert Kozakiewicz: "Well, if you were to expand your building, you would be subject to site plan."

Tom Tibbins: "Correct."

Councilwoman Giglio: "But the area for the outdoor storage."

Robert Kozakiewicz: "The use is currently- your use is currently existing pursuant to a CO. Correct?"

Tom Tibbins: "Correct."

Robert Kozakiewicz: "So you have a pre-existing non-conforming use which you would be entitled to continue under our code so long as you did not discontinue that use for a 12 month period of time. We allow as most zoning jurisdictions do, if this legislation got adopted, and I'm sure that given what we've heard today there's going to be a lot of- that's for them to decide."

But I'm sure they're not going to jump at it but that being said, if you have an existing use that has the benefit of being lawfully established either by a letter of pre-existing use or a certificate of occupancy, we're not going to take that a way. Our zoning ordinance as most zoning ordinances says, you're allowed to continue."

Tom Tibbins: "That being said, I still disagree. I think

that it should be re-analyzed and looked at."

Councilwoman Giglio: "Thank you."

Councilman Dunleavy: "If you just look at what they're saying, even Stony Brook, they manufacture the signposts for-- that's used over the highways. If their outdoor storage was limited and subordinate to their building, they couldn't put pipe there to make the signpost. It wouldn't fit. So this-- "

Councilman Gabrielsen: "Yeah, no. I agree with you. This is not anywhere we want to go."

Councilman Dunleavy: "-- a problem we're having."

Councilwoman Giglio: "Right. Good. I'm glad you agree now."

Supervisor Walter: "Sir, can you state your name?"

Mark Lore: "I'm Mark Lore from Suffolk Cement Products, owner. I think I got my answer just now but without outdoor storage, I have an 80 by 80 building and half my yard is the block that we make. So I'm just trying to-- I've been there for 70 plus years, (inaudible), back before the expressway came in and we still had that much room, so-- "

Councilman Dunleavy: "You couldn't operate if the outdoor storage was smaller than your building."

Supervisor Walter: "But the point is, it's not outdoor storage. Nobody was eliminating outdoor storage and in your situation, concrete block manufacture what you're doing is probably your primary use so this has no applicability and, in fact, probably 90% of the people that came from EPCAL, their primary use is what they're doing so outdoor storage was not an accessory use to it. That's their primary use."

This probably was never applicable to you but I think the board is not inclined to do anything with it."

Mark Lore: "Okay."

Councilwoman Giglio: "Actually I disagree because I have the planned industrial park and outdoor storage is a permitted accessory

use. It's not a permitted use. So we make that it's subordinate in area. That would mean that the outdoor storage would have to be less in area than the size of the building."

Supervisor Walter: "What I'm saying, Jodi, is when you're a concrete block manufacturing company, your principal use is concrete block manufacturing. So if you store that concrete block- or you're a metal fabricator and you are fabricating metal and you are- that is your job and you move metal from here to there to there during the fabrication process, outside, inside, that's your principal use. That's not an accessory use."

Councilwoman Giglio: "Okay. Then we should make outside storage a principal use also, not an accessory use."

Councilman Dunleavy: "In the code, it says accessory use. You put anything outside, it's outside storage."

Supervisor Walter: "Okay. Can we- "

Dominique Mendez: "Just- Dominique Mendez, quickly on the storage. I think it's clear that there is a storage issue but you don't throw the baby out with the bath water. I think it's important to change and to have this definition of accessory, actually define an accessory use building structure but you may have to do something specific with outdoor storage to exempt that or make it so that- because with the area being subordinate to the principal use makes sense in most other applications. It just may not make sense with outdoor storage."

Supervisor Walter: "Okay, thank you."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard? No? Okay. I'm going to close the public comment portion of the meeting and leave it open for written comment "til October 18th- 28th rather at 4:30 in the town clerk's office."

Public hearing closed: 8:35 p.m.

Left open for written comment for
10 days to October 28, 2011 at
4:30 p.m. in the town clerk's office

Supervisor Walter: "Resolutions. Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Resolution 772. The first Resolve."

Supervisor Walter: "Hold on. 772, yes."

Sal Mastropaolo: "I don't know why the fire marshal's office is there. I think that was-- they copied the resolution and because if you look two resolutions behind this one, the fire marshal should be copied."

Supervisor Walter: "I would agree."

Sal Mastropaolo: "774 is the same thing."

Supervisor Walter: "These are all-- Bill, could somebody flag Bill Roethar? Bill, 772 resolution, I'm sure we're not forwarding a CPF fund transfer to the fire marshal's office. That's just an oversight."

Sal Mastropaolo: "And 774 as well."

Supervisor Walter: "774."

Sal Mastropaolo: "783."

Supervisor Walter: "Okay, 783."

Sal Mastropaolo: "The public notice-- "

(Inaudible comment)

Supervisor Walter: "Okay. Public notice. What-- "

Sal Mastropaolo: "783."

Supervisor Walter: "Right."

Sal Mastropaolo: "The public notice, the actual public notice that's going in the paper. You've got extra words in the first line and it looks like you have the same title twice. Citizens ideas

wanted on community development program announcement of public hearing and then you have citizens ideas wanted on community-- "

Supervisor Walter: "Yeah. We would take that second smaller one out."

Sal Mastropaolo: "Yeah, I would think so."

Supervisor Walter: "Okay."

Sal Mastropaolo: "795, in the last Whereas, okay, you say approve the sale of ship chain to Michael Musgi, Inc. (phonetic), and then in the very first- in the very next section, Now, Therefore, Be It Resolved, your sell chip chain in the possession of the town municipal garage to Gershow Recycling.

Either you're doing it with Gershow or you're doing it with Michael Musgi, Inc. I doubt that you're doing it with both. Unless the owner of Gershow Recycling is-- "

Councilman Wooten: "Michael- I don't know that Michael Musce (phonetic) is even related to Gershow."

Sal Mastropaolo: "I wouldn't think so."

Councilman Wooten: "I think Michael (inaudible)."

Councilman Gabrielsen: "Are we selling it to Michael Musce but Gershow is going to do the (inaudible)? It's \$301 per gross ton. They may bring it there and-- "

Sal Mastropaolo: "The Whereas says recommends that the town approve the sale of the ship chain to Michael Musce and then the very next section says, Now, Therefore, Be it Resolved-- "

Supervisor Walter: "All right. Well, we'll hold off on this because I don't think- I thought Michael was transporting it for Gershow. That was my understanding. But you're right. I guess we will table this resolution because there's nobody here that's going to answer it."

Sal Mastropaolo: "That's it."

Supervisor Walter: "Does anybody else wish to be heard on the

resolutions? Okay. Let's call the resolutions."

Resolution #769

Councilman Dunleavy: "Authorizes town clerk to publish and post notice of public hearing to consider the adoption of the 2012 preliminary annual budget for the town of Riverhead. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is un-tabled."

Resolution #770

Councilman Wooten: "Belt filter press replacement budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #771

Councilman Gabrielsen: "Community Preservation fund budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #772

Councilwoman Giglio: "Community Preservation transfer of unspent bond proceeds. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded, as amended. Right, Diane?"

Diane Wilhelm: "Yes. Correct."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #773

Councilman Dunleavy: "General town fund balance budget adjustment. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #774

Councilman Wooten: "General fund budget adjustment. So moved as amended."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #775

Councilman Gabrielsen: "General fund budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #776

Councilwoman Giglio: "Highway district budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #777

Councilman Dunleavy: "Miamogue park project budget adjustment. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #778

Councilman Wooten: "2011 riverfront dock and rowing capital improvement project budget adoption. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #779

Councilman Gabrielsen: "Water department budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #780

Councilwoman Giglio: "authorizes publication of notice for amendment to community development block grant program. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #781

Councilman Dunleavy: "Authorizes the supervisor to execute grant extension to Suffolk County grant contract for comfort station renovation. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #782

Councilman Wooten: "Authorizes supervisor to execute grant extension to Suffolk County grant contract for Peconic Avenue crossing. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #783

Councilman Gabrielsen: "Authorize the town clerk to publish and post notice for public hearing regarding community development block grant (CDBG) 2012 funds. So moved."

Councilwoman Giglio: "As amended. And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #784

Councilwoman Giglio: "Authorizes town clerk to publish and post the attached notice to bidders for the fire and security alarm contract 2012. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #785

Councilman Dunleavy: "Authorize the town clerk to publish and post the attached notice to bidders for the town heating, ventilating and air conditioning maintenance contract. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #786

Councilman Wooten: "Resolution to rescind portion of bid award for food items (food items identified in bid as #9, 10, 16, 28, 59, 80, 111, 158 and 166) due to error and award that portion to

lowest responsible bidder. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #787

Councilman Gabrielsen: "Appoints part time recreation aides/volleyball attendants and officials to the recreation department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #788

Councilwoman Giglio: "Appoints a call in recreation clerk to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #789

Councilman Dunleavy: "Approves Chapter 90 application of the American Association of Retired Persons (AARP) (Me and My Life Makeover Event - November 4, 2011). So moved."

Councilman Wooten: "And I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #790

Councilman Wooten: "This accepts 100% site plan security of Jontori enterprises. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #791

Councilman Gabrielsen: "Approves the purchase of signs for EPCAL necessary for posting restrictions related to hunting. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "I have a question. George, are we getting this from Sign-a-ramic (phonetic)?"

Councilman Gabrielsen: "No. These are original signs they put up when you come in the different entryways saying restricted to, you know, Riverhead residents only, bow hunting, etc.

These are Sign-a-ramas, but the other ones you're talking about, the posting (inaudible)."

Councilman Dunelavy: "Yes."

Diane Wilhelm: "So you vote yes?"

The Vote (Cont'd.): "Walter, yes. The resolution is

adopted."

Resolution #792

Councilwoman Giglio: "Authorizes the execution of an agreement with ASYSCO, Inc. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #793

Councilman Dunleavy: "Ratifies the authorization of the supervisor to execute an agreement with an employee. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #794

Councilman Wooten: "Authorizes the law offices of Stephen J. McGiff, P.C. to act as special counsel to the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #795

Councilman Gabrielsen: "I make a motion to table 795."

Councilwoman Giglio: "I second the motion."

Supervisor Walter: "Moved and seconded as to table."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #796

Councilwoman Giglio: "Authorizes the supervisor to sign a loan agreement with Hallockville. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #797

Councilman Dunleavy: "Authorizes settlement with Suffolk County Department of Health. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #798

Councilman Wooten: "Authorizes reproduction and expenditure of monies for We Will Not Forget Riverhead's Civil War Soldiers and Sailors written by town historian. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes."

Supervisor Walter: "Yes. And my thanks to Georgette Case (phonetic) for preparing this. This is a compilation of all the

Civil War soldiers and sailors that served in-- from Riverhead, and she's going to bind it and publish it and you can buy it from her office."

Diane Wilhelm: "The resolution is adopted."

Resolution #799

Councilman Gabrielsen: "Authorize reproduction and expenditure of monies for Riverhead Town Supervisors 1792-2010 written by town historian. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #800

Councilwoman Giglio: "Authorizes town clerk to publish and post a public notice to consider a local law to amend Chapter 52 entitled Building Construction of the Riverhead town code, Section 52-10 building permit fees (solar). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #801

Councilman Dunleavy: "Authorizes the supervisor to execute a retainer agreement with Mary C. Hartill, Esq., Attorney at Law, for legal services for the year 2011/2012 (Riverhead Youth Court). So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Mary does a great job working with our youth and-- in the mock trials in the Juvenile Aid Bureau and the Youth Court. So she does a wonderful job with the kids."

I vote yes."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I agree. Yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "I'm the liaison to that. I say yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I'm going to say she does a heck of a job teaching law to these youngsters in our Youth Court and you should be at one of their graduations at the end of the year when they hold a mock trial to see just how good they are with their legal stuff that she has taught them."

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #802

Councilman Wooten: "Authorizes town supervisor to execute change order No. 1 construction of supply well at Plant No. 17, Rt. 105 H2M project No. RDWD 10-03. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #803

Councilman Gabrielsen: "Authorize the supervisor to execute

stipulation with Local 1000, AFSCME, AFL-CIO Riverhead unit of the Suffolk Local #852. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution is adopted."

Resolution #804

Councilwoman Giglio: "Terminates the employment of a bus driver. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #805

Councilman Dunleavy: "Authorize the supervisor to execute professional services agreement with Dunn Engineering Associates P.C. to construct pedestrian crossing on Peconic Avenue. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "A long time coming. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #806

Councilman Wooten: "Resolution to pay bills. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #807

Councilman Gabrielsen: "Approves Chapter 90 application of Eric Striffler (Halloween haunted house walk through. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

(Inaudible discussion)

Supervisor Walter: "Okay. Anybody wish to comment on anything that they wish?"

Councilman Wooten: "I made an announcement earlier that I had to leave. A seven year old should be in bed by now so I really have to go."

Supervisor Walter: "I agree. We ask you to limit your comments to five minutes and, yes, Miss Hartnagel. Did I pronounce that right?"

Jen Hartnagel: "Yes. Thank you. Jen Hartnagel, I'm speaking on behalf of the Group for the East End.

I know it's been a long night but I just want to bring this matter to your attention. I've been having difficulties getting documents out of the planning department and it really has to do with the freedom of information act.

I've been denied several documents. I don't hear back on several documents. I appealed the denial-

Supervisor Walter: "Bob, I want that fixed. I don't understand- I don't understand. I really don't understand. What documents are we not producing? Jen, I will- you come to my office

tomorrow. If I have to hold t hem- if you're entitled to it, you'll have them tomorrow. You have my word."

Jen Hartnagel: "Okay. I appreciate that."

Supervisor Walter: "I'm tired of this."

Jen Hartnagel: "I appreciate it because, you know, we support the site plan public hearing process and if we can't get documents on a site plan, it- "

Supervisor Walter: "You come tomorrow and I don't care- I don't care what any employee is doing. You are going to go through the file and you will get what you want. Just come tomorrow."

Jen Hartnagel: "Okay. I appreciate it. Thank you."

Supervisor Walter: "Thank you. See Jill Lewis though. I think I have an appointment in the morning."

Dominique Mendez: "Hi. Dominique Mendez."

Supervisor Walter: "Do you need documents, too?"

Dominique Mendez: "No. I don't need documents. I just have a follow up question to something that I think you mentioned a couple of town board meetings ago. It might have been a response to- Eric Biegler came up and had a question or mentioned something about Great Rock. And I think in response to that you mentioned you'd be- the town board was going to be looking at the covenants and actually that's something that we mentioned- (inaudible) a year ago.

But I think that you guys are- and I wanted to check the status of that. It's been- "

Supervisor Walter: "Yes. I think the file is being delivered to my- the file- I think I may have the file. We're trying to find- I want the note, the meeting minutes from back in 1995 so, Diane, I guess you're looking for the- Great Rock."

Dominique Mendez: "I can probably find those on line for you and get them to you tomorrow morning. They're pretty easy- "

Robert Kozakiewicz: "Not 1995."

Dominique Mendez: "Oh, 1995."

Robert Kozakiewicz: "'95, wouldn't be on line. We have to go and physically pull the books and see when those public hearings were."

Dominique Mendez: "Right. I know Diane usually gets that stuff pretty quickly for me so hopefully for you too especially since it has been a while. So I'd appreciate it. But moving forward and it's important- "

Robert Kozakiewicz: "I had a discussion with the clerk about getting the file put together and getting those minutes."

Dominique Mendez: "Great. Well, thank you, Diane."

(Some inaudible discussion)

Sue Hansen: "Hi. My name is Sue Hansen from Rocky Point. And I'm here once again to just voice some concerns I have about the animal shelter.

The shelter has 20 kennels and the last time I was there which was a few days ago, they were up to 27 dogs. There's been some concern over the years about certain changes that still haven't occurred.

One is the change in management which is really the solution to a lot of the problems plaguing the shelter including overcrowding. There's been some concerns about the euthanasia policy. That still hasn't changed.

There's been some concerns about volunteers who have been banned and have yet to be reinstated and that hasn't changed either. There- I have heard there's some changes on the horizon and that there is some plans to make those changes but I've heard that before and I can't say that I'm going to hold my breath.

I've been preaching a change in management for a long time and I'm about to give up on that suggestion and instead make a different one and I don't know how it will go over. But my suggestion at this point and I guess it's directed to Mr. Walter, is to consider

appointing a co-chair as a town board liaison to the animal shelter and I would recommend Jodi Giglio. And she's indicated her support for what a lot of the animal advocates are asking for. I think she could go a long way in helping making things happen and I'd like you to consider that."

Supervisor Walter: "Done. Do you want it? You've got it."

Jodi Giglio: "Yup."

Supervisor Walter: "It's yours."

Jodi Giglio: "Jim was the one that-- you know, I think Jim is doing a great job and I think that the suggestion of a round table where we all sit down, I know that there's a lot of concerns out there about the surrender law. I think that Jim and I are-- we have been talking to the people that are concerned about the animals throughout our town and have heard their concerns and have assured you that no legislation will be adopted until we all sat down and talked about it. What the pros and cons are and make sure that all the safeguards are in place."

Sue Hansen: "I appreciate that."

Supervisor Walter: "I will say that my-- I did meet with the North Fork Animal League, is that the right-- "

Sue Hansen: "North Fork Animal Welfare League."

Supervisor Walter: "Welfare League. I knew I was forgetting a word."

And they are very interested from what I understand in taking over the shelter. So my goal and it has been my goal since I got here 20 months ago, is to take the shelter and privatize it. Whether that was through the bid process or through Supervisor Lesko working with Brookhaven or North Fork Welfare-- Animal Welfare League that has done this before, that's the goal.

And from what I understand from Councilman Wooten, that they are receptive of an offer. So now we have to figure out how to do that, whether we go back out to RFP. So that may be immediate on the horizon."

Sue Hansen: "Well, it's encouraging but I've been encouraged by other things in the past that I've heard and unfortunately they never came to fruition. But I really think that having another set of eyes, ears and hands on board to help move the process along, namely to have a co-chair such as Jodi, I think that will really help to give this thing the push it needs."

Supervisor Walter: "Okay."

Sue Hansen: "Thanks."

Supervisor Walter: "All yours. Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. In last Thursday's paper there was an article about I think it's 3.9 million going to the Horton Avenue housing problem, the water problem. Three million was coming from FEMA and it said the town of Riverhead was going to kick up \$900,000."

What I'd like to know is, is it your intention to put that \$900,000 in the 2012 budget or to source it through a grant?"

Supervisor Walter: "The money- we have to pay twelve and a half percent of whatever the final number is and there is an open space park there now. We have some community preservation funds- we have community preservation funds available to make up that twelve and a half percent and that's what we intend to use."

Sal Mastropaolo: "Okay. So it's not coming out of the taxpayers pocket. Thank you."

Larry Oxman: "Good evening. Larry Oxman. I guess about a week ago I read in the newspaper the town of Brookhaven has unanimously changed the zoning on the old Par Meadows racetrack for a mixed use property. I think that personally I found that rather disappointing not from Brookhaven's point of view but from Riverhead's point of view."

Riverhead has had the EPCAL property for ages and little has happened other than Berman's subdivision.

Brookhaven, they're planning on building 500,000 square feet of industrial property. They're going to put up a hotel. They're going to build about a thousand residential units.

So I guess one thought is as we're now doing a new study on EPCAL, are they going to take into account this new development?

I don't know if you have driven around exit 68 where Clare Rose has built a building. I don't know if you've been up and down Horseblock Road but in the past 10 years, those areas are filled. Most of it happened under the Cardinale administration."

Supervisor Walter: "Those areas are what?"

Larry Oxman: "Filled with buildings. There's no land left."

Supervisor Walter: "Right."

Larry Oxman: "You have building after building employing person after person while this town mostly under the previous administration did very little or they dreamed about strange things."

Supervisor Walter: "Well you know what we're planning and you know- I mean in the real estate business you know that the subdivision has to be done. I mean it is- the subdivision is going to get done. Exactly what that private developer is doing up there, which they still have to go through the pine barrens commission and I don't know where the votes line up in the pine barrens commission, but they're in the pine barrens commission."

But we're going to push this project through. We're going to subdivide that property. I suspect you're going to see a mixed use zoning that's going to allow some recreation or commercial/industrial and the only jewel that I have is that the state is willing to at least listen to our proposal for a planning commission that is an approval commission over projects at EPCAL that we could get approvals done in 75 days.

So I plan to introduce that. Should I be fortunate enough to win re-election, I plan to introduce that to the state senate, assembly in January and if that gets adopted, the next time we're going to be in a much better situation than any project in Brookhaven.

That's the best I can do in these economic times."

Larry Oxman: "Well, again, I hope in the planning for the

Riverhead property that all of those other light industrial subdivision are taken into account. Because they will have an effect. That's one.

Two. Let me pass this up. Since I have not seen my name on the executive session for a very, very long time, I thought I might enlighten you as to the latest with the litigation that the town enacted against me.

That's a decision made by the Supreme Court basically denying the town's motion to readdress a dismissal of the case-- the Supreme Court case. So basically I think it's over with the Supreme Court hopefully.

Talking about FOIL's. Bill Duffy was nice enough to eventually get me the information that I had requested and I was wondering-- the question revolved around how much the town has spent on litigation against my corporation and me.

I don't know if you know the figures or not, but I found them interesting. About \$140,000 so far and this was as of July and we're not anywhere near over.

One interesting thing is that do you realize that you're paying for Dawn Thomas' outside counsel too?"

Supervisor Walter: "Larry, we're not over because your trustee is now coming after the town. That's why we're not over."

Larry Oxman: "No. Actually the violations-- "

Supervisor Walter: "So don't be disingenuous here. This-- a lot of what's been incurred at least since I've been here, is the direct result of the trustee in your bankruptcy action coming after the town of Riverhead.

I'd be very happy to work with you to resolve all this. Your trustee will not. So don't start telling us we've run the meter. Your trustee has run the meter on the town now."

Larry Oxman: "Yeah. I don't agree. I think that that's over as far as the bankruptcy so I'm not quite sure. And most of the bills-- "

Supervisor Walter: (Inaudible)

Larry Oxman: "-- don't revolve around that. Most of the bills actually were incurred with prior to you becoming supervisor."

Supervisor Walter: "I know but I'd like to resolve the whole thing. You tell us how we can resolve the whole thing and come up, walk away, I think the board would be very happy-- your trustee would allow that to happen. But it's not your trustee."

Larry Oxman: "Right. With regard to the violations, we just finished the trial on one. We have eight more to go. That took nine months."

Supervisor Walter: "I think the board-- if you convince the trustee to walk away from this, the town board would be very willing to just-- "

Larry Oxman: "I'm not sure what you're referring to because I don't think that the trustee has any decision at this point."

Supervisor Walter: "(inaudible) works for the trustee."

Larry Oxman: "The bankruptcy is over. He now represents Riverhead Park Corp. again. I believe that that's correct. The bankruptcy is over, so-- and even though he may have been under the umbrella of the trustee, it all revolved around the litigation that the town enacted and then my subsequent suit against the town. So-- sure, I'd welcome the opportunity to talk about it."

Supervisor Walter: "Set up an appointment with the attorneys. If we can resolve it, I'd love to resolve it."

Larry Oxman: "You want to rack up more bills, huh?"

Supervisor Walter: "Well you and I are not allowed-- well we could talk."

Larry Oxman: "We are absolutely allowed to talk."

Supervisor Walter: "We can talk."

Larry Oxman: "Yes, we can."

Supervisor Walter: "You want to set up an appointment? Set up an appointment."

Larry Oxman: "Very good. Last time I asked, you denied it. You didn't want to."

Supervisor Walter: "Because it was the trustee that was driving the boat."

Larry Oxman: "Okay."

Supervisor Walter: "The trustee- if you're telling me the trustee is not driving the boat anymore, maybe we can resolve it all."

Larry Oxman: "But again I was very- it was interesting to find out that you're kind of getting double billed where Dawn Thomas has her own outside counsel- she spent \$33,000 so far. So a lot of money."

Supervisor Walter: "Well, she is entitled to her own- picking her own attorney."

Larry Oxman: "But apparently you have to pay it."

Supervisor Walter: "Yes. Correct."

Robert Kozakiewicz: "But as the Supervisor pointed out, that's because she was separately named in a suit commenced by yourself or your company."

Larry Oxman: "Right."

Robert Kozakiewicz: "So, just to be clear. If she wasn't named individually, she wouldn't have required an attorney and under our indemnification statute Chapter 15, we wouldn't be in this situation."

Larry Oxman: "So actually all six people named in the suit could ask for six different counsel."

Robert Kozakiewicz: "If they wish to. Yes."

Larry Oxman: "That would be interesting."

Supervisor Walter: "So, if you want to- "

Robert Kozakiewicz: "Again, because the suit was initiated by you."

Supervisor Walter: "If you want to normalize relations and put this all behind us and declare it- "

Larry Oxman: "Well, I don't know what normalize means. Basically, you know, you've made it- "

Supervisor Walter: "Like we're negotiating a settlement here, but- "

Robert Kozakiewicz: "Well, I think (inaudible)."

Supervisor Walter: "-- call me up and we'll set up a meeting."

Larry Oxman: "I'm around. Very good. I'm around."

Supervisor Walter: "You have to call me."

Larry Oxman: "Why is that?"

Supervisor Walter: "Because you want to negotiate a settlement. That's what I'm- "

Larry Oxman: "No. I'm pursuing the litigation, Sean. So I mean, and what I'm saying is that I'm perfectly willing to listen to a settlement."

Supervisor Walter: "Okay. Then we'll just continue on."

Larry Oxman: "So we shall."

Supervisor Walter: "Okay, thank you. Nobody left in the audience. You guys all spoke. Oh, no, that young lady didn't speak. Would you like to speak to us? No. Are we over?"

Can I get a motion to adjourn the meeting/"

Councilman Dunleavy: "I make a motion we adjourn the town board meeting."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "Motion carried."

Meeting adjourned: 9:10 p.m.

Chase N. Kilhelm
Town Clerk